

virginia network of nonprofit organizations

# FROM PRINCIPLE TO PRACTICE

A Guide to Accountability for Virginia's Nonprofit Organizations

onprofit organizations are essential to the vitality of every Virginia community. They meet basic human needs, enrich quality of life, sustain societal values and strengthen democracy. Volunteers, board members and employees become involved with a nonprofit because of the organization's public benefit mission. Thus, the continued success of Virginia's nonprofit organizations depends upon broad public support and confidence.

Transparency, sound management practices, and high ethical standards are essential to maintaining public trust. Nonprofit organizations must be willing to engage in the process of evaluation and self-regulation in order to avoid the involuntary imposition of standards by government or self-appointed watch-dog groups. Guidelines for nonprofit accountability are important tools to influence practices and organizational behavior. They ensure that all parties, including governing boards, staff, and external stakeholders, have consistent expectations. Guidelines also clarify responsibilities and provide a vehicle for evaluating actual practices against broadly accepted norms.

Fortunately, several high quality support tools and resources are available to assist nonprofits in building capacity and maintaining public accountability. An excellent list of various guidelines and standards documents can be found at the INDEPENDENT SECTOR website:

#### www.independentsector.org/issues/accountability/standards2.htmI

Because of the rich diversity of nonprofit organizations, VANNO encourages each nonprofit in Virginia to draw on the appropriate type of guidelines or standards that best suit your organization. As a starting point, the following pages provide a *Checklist for Accountability* developed by INDEPENDENT SECTOR, an *Assessment* tool, and suggested *Action Steps* for creating a culture of accountability in your organization. Please use this document to assist your staff and board members in discussions, policy development and practices to help guarantee your organization's well-being and sustainability.



# Summary Checklist for Accountability

A vital voice for us all

#### Strengthen your organization's transparency and governance

Building an organization committed to the highest ethical standards demands more than just following the law: it also requires fostering practices that create an environment of transparency, accountability and integrity. The steps listed here will help every charitable organization reassure its stakeholders of its commitment to upholding the public trust vital to earning support and fulfilling its mission. Creating an accountable organization is an ongoing process. Board and staff members should review recommended practices regularly, and adjust their rules, methods and communications as needed. Fortunately, no one has to start this work from scratch. There are many resources available as models, and we encourage you to share your policies and practices with colleagues. Independent Sector recommends that each charitable organization take the following steps to demonstrate accountability. Adapt them to fit your unique circumstances, and check back for updates as the checklist is expanded.

## Develop a Culture of Accountability and Transparency

Rules, standards, and practices are far more effective when the people they affect understand them, know why they are important, and embrace them. Teach new employees, volunteers, and board members about your principles, and give those with more experience refreshers and updates. Use your website, intranet, and other internal communications vehicles to share examples of good behavior and policies.

## Adopt a Statement of Values and Code of Ethics

This document describes the ethical principles that an organization's staff, board and volunteers agree to follow, and includes a statement of values articulating the principles it is committed to uphold. An indispensable part of an accountable organization, a statement of values and code of ethics should be approved by the board of directors, included in staff and board orientations, and available to the public on the organization's website.

Adopt a Conflict of Interest Policy
Adopt and enforce a conflict of interest policy
tailored to your organization's specific needs and consistent
with laws in your state. Few actions will undermine the
credibility of a charitable organization faster than having its
tax-exempt funds not used exclusively for charitable
purposes. Adhering to a well-defined conflict of interest
policy will help preempt even the perception that funds are
being used for personal gain by the managers or board
members. Many states have laws that govern conflict of
interest situations and all organizations should consult their
state laws to ensure that their conflict of interest policy
affords them the necessary protections.

# Ensure that the Board of Directors Understands and Can Fulfill Its Financial Responsibilities

The board has the legal—as well as the ethical—responsibility of ensuring the exclusive and effective use of all assets for charitable purposes. As part of this obligation, the board or appropriate board committee should review and approve all financial statements for completeness and accuracy. To perform this function effectively, the board should include individuals with financial literacy or adopt other mechanisms for drawing on independent financial expertise.

## Conduct Independent Financial Reviews, Particularly Audits

Charitable organizations need to have independent reviews of their financial procedures, controls, and policies in order to provide strong financial safeguards. Charitable organizations that are required to file a Form 990 or 990-PF and that have average annual revenues of \$1 million or more should have an audit conducted of their financial statements and operations. These statements should be made available for public inspection. Charitable organizations that are required to file a Form 990 or 990-PF and that have at least \$250,000 and under \$1 million in total annual revenues should have their financial statements reviewed by an independent public accountant. Organizations with less than \$250,000 in annual revenues should consider periodically obtaining a review of financial statements or other means of independently verifying financial statements and controls.

Over

See the complete version of this checklist on our website at: www.IndependentSector.org

## 6 Ensure the Accuracy of and Make PublicYour Organization's Form 990

The IRS Form 990, Form 990-EZ, and Form 990-PF is one way that organizations share information about their finances and operations with charity regulators and the public. To be effective, however, its information must be complete, accurate and publicly available. Be sure to have your Form reviewed by your board and signed by your CEO or CFO. Support efforts to improve the quality and timeliness of information about nonprofits by filing your Form electronically with the IRS. And, finally, be sure to post it on your website.

Be Transparent
Your donors, volunteers, and staff will have much
more confidence in your organization's work if they know
how you're doing it. Use your website to share documents
that provide information about your finances, operations,
governance, and impact.

## Establish and Support a Policy on Reporting Suspected Misconduct or

Malfeasance ("Whistleblower Protection Policy") In order to protect the credibility of your organization, each organization needs policies and procedures that encourage individuals to come forward as soon as possible with credible information on illegal practices or violations of adopted policies. Employees and volunteers who identify misbehavior must feel safe to report it. Not only is this good practice, but the Sarbanes-Oxley Act requires all entities, including nonprofit organizations, to protect whistleblowers and levies criminal penalties for actions taken in retaliation against whistleblowers.

Page Remain Current with the Law Make sure that a board member, member of staff, consultant or volunteer is designated to keep up to date with the law. Ensure that your organization fully complies with all existing laws governing charitable organizations.

#### Test Your Accountability IQ

#### **Does Your Organization:**

- Hold staff and board trainings on ethics or take other measures to foster a culture of accountability and transparency?
- Have a code of ethics and statement of values and post it on your website?
- Follow a conflict of interest policy and post it on your website?
- Have board members with financial expertise?
  - Have its financial statements independently audited?
- Have board members review financial statements, including the Form 990?
- ☐ Have your CEO or CFO sign the Form 990?
- ☐ File your Form 990 electronically?
- ☐ Post your Form 990 on your website?
- Post your policies, financial information, and information on programs results on your website?
- ☐ Have a whistleblower policy?
- Take steps to remain current with the law?

### Give your organization one point for every yes. If your organization scores:

- **12:** Great, keep it up and pass along your success stories and model policies for others to learn from.
- **9-11:** Good, but there's room for improvement.
- **6-8:** You've indicated a commitment to accountability but need to advance beyond the basics.
- **0-5:** Time to get serious about accountability. Engage your board, staff, and volunteers quickly to help make the needed changes.

#### Visit www.independentsector.org for:



- ✓ Insights on how to foster a culture of accountability;
- ✓ Tips on what a conflict of interest policy should include;
- ✓ Model statement of values and code of ethics;
- ✓ Example of a whistleblower policy;
- ✓ More than 100 policies from IS member organizations for review;
- ✔ Helpful publications and tools;
- ✓ Recommendations from The Panel on the Nonprofit Sector... and much, much more

Independent Sector 1200 Eighteenth Street NW, Suite 200, Washington, D.C. 20036 Phone: 202-467-6100

The Checklist for Accountability combines recommendations made by Independent Sector and the Panel on the Nonprofit Sector. It was developed with the additional input of the Ethics and Accountability Committee and Communications and Marketing Advisory Task Force.

## SSESSING YOUR ORGANIZATION'S FOUNDATION...

Healthy nonprofits are built on a strong foundation of documentation, systems and support mechanisms that enhance their accountability, sustainability and effectiveness. Not only must board members and staff understand all the various pieces that are required, but these documents must be readily accessible and up to date.

The following list provides a comprehensive guide to assess the strength of your organizational foundation. Use it to identify which pieces are in place, when they were last updated, and where they are located.

This tool is designed for maximum flexibility. Most items are required for all nonprofits, but there will be some exceptions depending on your organization's size, mission, and numbers of staff or volunteers. You must decide whether an item is appropriate, or "not applicable." If you mark it "N/A," annotate with a reason so those who follow after you will understand why you made that decision.

This is not a task of "busy work." Much of this information is needed to receive grant funding. Some of these items are state or federal requirements: failure to comply with regulations may threaten your continuation as a nonprofit. The practical exercise of reviewing this list ensures that your organization is able to answer questions about its operation quickly and accurately. Finally, it serves as an excellent tool for orienting new staff and board members during times of leadership transition.

"Transparency is a very trendy word right now but has always been value added both internally and externally for nonprofits. Why? Because by letting your staff, your board and your community know what you are doing, you reduce if not remove suspicion, increase trust (an essential element for fund-raising and recruitment of volunteers) and increase public input."

Paul C. Light, author Pathways to Nonprofit Excellence The Brookings Institution

Yes No N/A	Planning	Date	Location
	C.: 1: n - V-1		
	Guiding Values		
	Mission Statement		
	Operational/Strategic Plan (including system to		
	monitor progress)		
	1 0		
	Vision Statement		
X7	C	D.	T ,*
Yes No N/A	Governance	Date	Location
	Articles of Incorporation		
	•		
	Board Resolutions/Minutes Book		
	Board and Committee Policy Handbooks		
	Bylaws (include board liability and indemnification		
	•		
	language)		
	Committee Descriptions (purpose, composition,		
	and activities)		
	Compensation Documentation (executive and		
	•		
	other staff)		
	Conflict of Interest Policy and Procedures		
	Disaster Recovery Plan		
	Executive Evaluation Plan		
	Leadership Succession and Transition Plan		
	(volunteer leadership and staff executive)		
	Liability Insurances (Director and Officer,		
	General, Volunteer, etc.)		
	Virginia Retail Sales and Use Tax Exemption		
	(Virginia Department of Taxation)		
	Orientation, Training and Evaluation Plans		
	(for board members)		
	Risk Evaluation and Management Systems		
Ves No N/A	Human Resources	Date	Location
163 110 11/11	114111411 100041000	Dute	Locution
	Benefits Documentation		
	Criminal and Driving Records		
	Federal Fair Labor Standards Act		
	Human Resources Records Retention Policy		
	Virginia and Federal Required Postings (OSHA)		
	Organizational Chart		
	Personnel File (for each employee)		
	Application with Original Employee Signature		
	Documentation of Disciplinary Action		
	INS Documentation (Immigration and		
	ĕ		
	Naturalization Services: note hanges due to		
	Patriot Act and Homeland Security)		
	Performance Evaluations		

		Tax Forms (I-9 and W-4) Resume Reference Check Documentation Other Conditions for Employment - documentation (drug test results, certifications, etc., Position Descriptions (written for staff and voluntee		
		Standards and Policies for Working with Contractual Employees and Consultants (guidelines for selection, hiring and monitoring)		
Yes	No N/A	Policies and Procedures Manuals - separate and appropriate for Personnel and Volunteers (individual signatures of understanding and acceptance a list of possible and recommended contents follows:	Date e) -	Location
		Attendance/Leave		
		Code of Ethics Confidentiality Policies and Procedures		
		Conflict of Interest (including disclosure		
		of relationships) EEO/AA (Equal Employment Opportunity/		
		Affirmative Action)		
		Eligibility and Classifications Expense Reimbursement		
		Grievance		
		Nondiscrimination, Diversity and Harassment Orientation, Training and Evaluation		
		(staff and volunteers) Technology/Equipment Access and Use		
		Whistle Blower Policy (confidential reporting of		
		alleged impropriety)		
Yes	No N/A	Financial Management	Date	Location
		Asset and Cash Management Policies and Procedures		
		Audit Committee Policies and Procedures		
		Budgets (revenuelexpenses)		
		Bulk-rate Postage Permit Chart of Accounts		
		Contract Management Policies and Procedures		
		(bidding system, contracts, evaluation and monitoring tools)		
		Documentation of Accounting Policies and Syste		
		(meet Financial Accounting Standards Board (FASB) a Government Accounting Standards Board (GASB) requ		
		Financial Records Retention Policy		
		Internal Control Procedures		

		Investment Policy Statement		
		IRS Determination Letter and Form 1023 on fil	e	
		IRS Form 990 or IRS 990-EZ (to be filed by		
		the 15th day of the 5th month after the end of your		
		fiscal year www.irs.gov/charities)		
		Virginia State Corporation Commissioin Filing		
		(Annual Report and registrartion fee to be filed annuall	y	
		by the given due date)		
		Payroll - federal, state and local quarterly		
		withholdings/filings		
		Spending Limits Policy		
		Signature Authority		
		UBIT (Unrelated Business Income Tax) Reporting		
$\overline{\Box}$		Whistle Blower Policy (confidential process for		
_		reporting suspected financial fraud)		
_				
Yes	No N/A	Fundraising	Date	Location
		Case Statement		
		Donor Database (contributions/restrictions)		
Ш		Donor Recognition Plan (include provisions		
		for privacy)		
Ц		Fund Development Plan		
Ш		Gift Acceptance and Recognition Policy		
		(include in-kind donations, address fair market value		
_		and disposal of assets)		
Ц		Grants Management System		
		Copy of every proposal, acceptance/denial,		
_		evaluation, database, correspondence		
Ш		Reporting requirements, due dates		
Ш		Individual Donor Requirements		
		Charitable Solicitation Forms (Form 102 of the		
		VA Office of Consumer Affairs, filed annually		
_		www.vdacs.virginia.gov/consumers/oca)		
<b>3</b> 7	NT NT/A	T 1.4 1.11	D.	T .
Yes	NoN/A	Transparency and Accountability	Date	Location
		Annual Report (publicly available)		
		Communications and Public Relations Plan		
		Confidentiality Policies and Procedures		
_		•		
		(all constituents)		
$\perp$		(all constituents)  Document Retention and Destruction Policy		···································
		Document Retention and Destruction Policy		
		Document Retention and Destruction Policy Forms 1023, 990 and variants (publicly available)		
		Document Retention and Destruction Policy		

163	INO IN/A	Public Policy and Advocacy - Communications	Date	Location
		Advocacy Policy/Plan 501(H) Election  Virginia Lobbyist Registration and other required documentation (required of the lobbyist;		
		www.dcg.state.va.us/licensing)		
Yes	No N/A	Information and Technology	Date	Location
		Data Collection System (to support continuous		
		improvement and evaluation)  Management Information Systems (MIS)  Policies and Procedures, including Internet		
		and e-mail use Policies		
Voc	No N/A	Strategic Alliances	Date	Location
168	110 11/11	otiute 5 to 1 minume to	Dute	200mion
		Accreditation Information (as applicable)  Memo of Agreement/Understanding for each	Dute	<u> </u>
		Accreditation Information (as applicable)		
	No N/A	Accreditation Information (as applicable)  Memo of Agreement/Understanding for each collaborative commitment	Date	Location
		Accreditation Information (as applicable)  Memo of Agreement/Understanding for each collaborative commitment  Evaluation  Accountability and Monitoring Systems  Community Needs/Assets Assessment  Environmental Scan		
		Accreditation Information (as applicable)  Memo of Agreement/Understanding for each collaborative commitment  Evaluation  Accountability and Monitoring Systems  Community Needs/Assets Assessment  Environmental Scan  Formative Evaluation - opportunities to reflect on ways to improve organization and programs		Location
		Accreditation Information (as applicable)  Memo of Agreement/Understanding for each collaborative commitment  Evaluation  Accountability and Monitoring Systems  Community Needs/Assets Assessment  Environmental Scan  Formative Evaluation - opportunities to reflect on ways to improve organization and programs  Outcome Evaluation - documentation of how	Date	Location
		Accreditation Information (as applicable)  Memo of Agreement/Understanding for each collaborative commitment  Evaluation  Accountability and Monitoring Systems  Community Needs/Assets Assessment  Environmental Scan  Formative Evaluation - opportunities to reflect on ways to improve organization and programs	Date	Location

VANNO wishes to thank the many professionals within Virginia's nonprofit community for providing input to define the accompanying *Principles to Practice: A Guide to Accountability for Virginia's Nonprofit Organizations* and this checklist. Particular appreciation goes to the Michigan Nonprofit Association which gave VANNO permission to use its checklist as a template for this assessment tool.

An electronic version of this assessment document may be obtained by contacting VANNO at info@VANNO.org.

# TAKING ACTION...

"Accountability for the nonprofit sector means setting realistic expectations for change and pursing actions that have meaning for people...These efforts are vitally important for any nonprofit that strives to be both successful and sustainable."

Richard C. Harwood, author

Accountability and the
Sustainable Nonprofit

Here are some practical ways to help board members and staff understand and use this document as they engage in their real-life work on behalf of your organization's mission.

- Take the *Accountability IQ* quiz on page 2. Use the results to determine where specific improvement is most needed.
- Share this information and other relevant standards with all board members, perhaps during a retreat or planning session. Encourage the board to adopt the Independent Sector standards as the organization's guide for accountability and best practices.
- Reference these standards in role descriptions for board members and officers. Task the governance committee with scheduling a periodic review and educating incoming board members about accountability practices.
- Devote a few minutes at each board meeting to focus on one of *Checklist* topics. Discuss how well you think your organization measures up, share relevant information, and identify one or two actions that might be taken to improve. Invite an expert to educate the group and answer questions.
- Include these standards as a part of your strategic plan. Incorporate some of the wording into your goals, value statements, and even your business cards.
- Share this information and other relevant standards with the staff and discuss how they relate to everyone's roles and responsibilities.
- Appoint a task force to review each item of the *Assessment* and determine what is missing. Develop a plan for addressing the gaps.
- Throughout the year, perhaps quarterly, hold a staff education meeting concentrating on one or two of the accountability topics.
- For executive directors, convene a quarterly meeting with other nonprofit executive directors in your area to discuss the *Checklist for Accountability* and share the challenges and opportunities of compliance.
- Devote a section of your website to demonstrating your level of "transparency." Include information about your conflict of interest policy, code of ethics, financial audits, and commitment to standards of accountability.



Established in 2004, the Virginia Network of Nonprofit Organizations (VANNO) connects nonprofits to advance effective practices and enhance their ability to meet the diverse needs of communities throughout the Commonwealth. VANNO's goals are to:

- Maximize access to information, training and product discounts
- Disseminate best practices in management and governance
- Promote ethical and accountable activity
- Encourage understanding of and engagement in public policy
- Communicate the value of the sector to key stakeholders

Membership in VANNO is open to any 501(c)(3) organization in Virginia, regardless of size or mission. For more information, visit our website at www.vanno.org or contact us at 804-794-8689 or info@vanno.org.

"There is great power in the work of collaborative membership organizations like VANNO. As nonprofit leaders, we know our community well from first-hand observation and when we join all of our voices together we have the most potential to create meaningful change. Renewing my membership is an easy decision for me and my agency."

Nathan R. Monell, Executive Director Northern Virginia AIDS Ministry (NOVAM) Falls Church, VA

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